

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Daniel R. Howington

Docket No. 5:09-CR-229-1

Petition for Action on Supervised Release

COMES NOW C. Lee Meeks, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Daniel R. Howington, who, upon an earlier plea of guilty to Distribution of Methamphetamine, in violation of 21 U.S.C. §841(a)(1), was sentenced by the Honorable Robert G. James, U.S. District Judge for the Western District of Louisiana, on February 10, 2003, to the custody of the Bureau of Prisons for a term of 60 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate in a substance abuse treatment program as approved by the Probation Office to include antabuse treatment, drug surveillance and inpatient treatment if indicated.
2. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
3. The defendant shall pay a \$100 special assessment.

Daniel R. Howington was released from custody on October 24, 2005, at which time the term of supervised release commenced in the Western District of North Carolina. In April 2006, supervision and jurisdiction were transferred to the Western District of Kentucky. In March 2008, the Eastern District of North Carolina accepted supervision, and jurisdiction was subsequently transferred on August 6, 2009.

On August 19, 2009, the court approved a Petition for Action on Supervised Release and ordered the defendant serve 5 days custody as a sanction for being charged with Driving While Impaired.

On November 24, 2009, the court approved a Petition for Action on Supervised Release and ordered the defendant serve 2 days custody as a sanction for being charged with Driving While License Revoked and Operate a Motorcycle Without Wearing a Compliant Safety Helmet.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On April 8, 2010, the defendant was charged with Driving While License Revoked in Carteret County, North Carolina. When confronted with the violation, the defendant admitted he operated a motor vehicle to provide transportation for a coworker who had been arrested for driving while impaired.

The defendant is currently employed with Audio Interiors in Morehead City, North Carolina. Additionally, Howington reports as directed and is otherwise compliant with the terms of supervision. As a sanction for the violation, the probation officer recommends the defendant serve 30 days in the home detention program with electronic monitoring. The probation officer believes home detention will serve as a deterrent and provide appropriate punishment for the violation.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ C. Lee Meeks, Jr.
C. Lee Meeks, Jr.
U.S. Probation Officer
472-C Western Blvd.
Jacksonville, NC 28546-6862
Phone: (910) 347-9038
Executed On: May 28, 2010

ORDER OF COURT

Considered and ordered this 30 day of May, 2010, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge